

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTINE BENNETT,

*

Plaintiff,

*

v.

*

CIVIL ACTION NO. 1:06cv723-MHT

ARMY FLEET SUPPORT, LLC,

*

Defendant.

*

**JOINT MOTION TO REFER DEFENDANT'S
MOTION TO ENFORCE MEDIATION SETTLEMENT AGREEMENT
TO CHIEF MAGISTRATE JUDGE FOR FURTHER PROCEEDINGS**

Come now Plaintiff, Christine Bennett, and Defendant, Army Fleet Support, LLC (collectively, "the Parties"), through their counsel of record, and move the Court to refer the Motion of Defendant Army Fleet Support to Enforce Mediation Settlement Agreement (doc. no. 49) to Chief Magistrate Judge Charles S. Coody for further proceedings consistent with the Court's Judgment (doc. no. 48) and "show cause" Order of October 4, 2007 (doc. no. 50). As grounds therefor, the Parties show unto the Court as follows:

1. On August 15, 2007, the Parties engaged in mediation before mediator Fern Singer, Esq., in Birmingham, Alabama. At the conclusion of that mediation, the Parties agreed to settle the lawsuit and signed a Mediation Settlement Agreement. Plaintiff personally signed that Agreement.

2. On August 21, 2007, the Court entered its Judgment (doc. no. 48) dismissing the lawsuit in its entirety with prejudice, subject to the terms thereof.

3. Thereafter, Defendant's counsel forwarded to Plaintiff's counsel a Confidential Settlement Agreement and General Release that tracked the substantive provisions of the Parties' Mediation Settlement Agreement.

4. Defendant prepared checks for Plaintiff and for Plaintiff's counsel in the amounts called for in the Mediation Settlement Agreement. Defendant's counsel notified Plaintiff's counsel that he was holding the checks for delivery upon Plaintiff's execution of the formal Confidential Settlement Agreement and General Release.

5. Plaintiff failed and refused to execute the formal Confidential Settlement Agreement and General Release.

6. On October 3, 2007, Defendant filed its Motion to Enforce Mediation Settlement Agreement (doc. no. 49).

7. On October 4, 2007, the Court entered its Order (doc. no. 50) directing Plaintiff to show cause, if any there be, in writing by October 12, 2007, as to why Defendant's Motion to Enforce Mediation Settlement Agreement should not be granted.

8. The October 12, 2007 deadline set by the Court for Plaintiff's response passed without Plaintiff filing any opposition to Defendant's motion.

9. This Joint Motion to Refer Defendant's Motion to Enforce Mediation Settlement Agreement to Chief Magistrate Judge for Further Proceedings is being filed by counsel for Defendant, but counsel for both parties have agreed to it.

WHEREFORE, Plaintiff and Defendant move the Court to refer this matter to Chief Magistrate Judge Charles S. Coody for further proceedings to enforce the mediation settlement agreement consistent with the Court's previous Judgment and Order.

Respectfully submitted,

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